

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	File Number EB-02-OR-301
)	
Tecnet, Inc.)	NAL/Acct. No.200332620008
Owner of Antenna Structures in Northern Louisiana)	
Jackson, Mississippi)	FRN 0006 4233 47
)	

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Released: February 19, 2003

By the Enforcement Bureau, New Orleans Office:

I. INTRODUCTION

1. In this Notice of Apparent Liability for Forfeiture (“NAL”), we find Tecnet, Inc. (“Tecnet”), owner of antenna structure number 1032607 and five other antenna structures in northern Louisiana, apparently liable for a forfeiture in the amount of four thousand five hundred dollars (\$4,500) for willful and repeated violation of Section 17.57 of the Commission's Rules (“Rules”).¹ Specifically, we find Tecnet apparently liable for its failure to notify the Commission of the change in ownership information concerning its antenna structures.

II. BACKGROUND

2. On September 12, 2002, an agent from the FCC Enforcement Bureau’s New Orleans Office (“New Orleans Office”) inspected an antenna structure located at geographic coordinates N 32° 27' 04" and W 093° 16' 57" near the town of Heflin, Louisiana. Although an Antenna Structure Registration (“ASR”) number was not displayed at the base of the structure, Commission records indicated that the structure was owned by Netwave Systems, Inc. (“Netwave”) and was registered and assigned the ASR number 1032607.

3. On October 18, 2002, further investigation by the New Orleans Office determined that this structure, ASR number 1032607, and five other structures, ASR numbers 1032605, 1032606, 1032608, 1032609, and 1032610, had been purchased from Netwave by Tecnet more than two years ago. On November 13, 2002, a Letter of Inquiry was issued by the New Orleans Office requesting written information concerning these structures. Tecnet did not respond. On January 6, 2003, a check of Commission records by the New Orleans Office showed that on November 7, 2002, the Commission was notified of a change in ownership by Tecnet regarding all six of these structures.

III. DISCUSSION

¹ 47 C.F.R. § 17.57.

4. Section 17.57 of the Rules requires that the owner of an antenna structure for which an ASR number has been obtained must immediately notify the Commission using FCC Form 854 upon any change in structure height or change in ownership information. Starting approximately two years ago, and continuing until November 7, 2002, Tecnet violated Section 17.57 of the Commission's Rules by failing to immediately notify the Commission of a change in ownership of these structures.

5. Based on the evidence before us, we find Tecnet willfully² and repeatedly³ violated Section 17.57 of the Rules by failing to immediately notify the Commission of a change in ownership of antenna structures.

6. Pursuant to Section 1.80(b)(4) of the Rules,⁴ the base forfeiture amount for failure to file required forms or information is \$3,000. In assessing the monetary forfeiture amount, we must also take into account the statutory factors set forth in Section 503(b)(2)(D) of the Communications Act of 1934, as amended ("Act"), which include the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require.⁵ Since there are six antenna structures involved in this case and a lengthy period of continuous violation, we are increasing this forfeiture amount by \$1,500. Considering the entire record and applying the factors listed above, this case warrants a \$4,500 forfeiture.

IV. ORDERING CLAUSES

7. Accordingly, IT IS ORDERED THAT, pursuant to Section 503(b) of the Act,⁶ and Sections 0.111, 0.311 and 1.80 of the Rules,⁷ Tecnet, Inc. is hereby NOTIFIED of this APPARENT LIABILITY FOR A FORFEITURE in the amount of four thousand five hundred dollars (\$4,500) for willful and repeated violation of Section 17.57 of the Rules by failing to immediately notify the Commission of a change in ownership of antenna structures.

8. IT IS FURTHER ORDERED THAT, pursuant to Section 1.80 of the Rules, within thirty days of the release date of this NAL, Tecnet, Inc. SHALL PAY the full amount of the proposed forfeiture or SHALL FILE a written statement seeking reduction or cancellation of the proposed forfeiture.

² Section 312(f)(1) of the Act, 47 U.S.C. § 312(f)(1), which applies to violations for which forfeitures are assessed under Section 503(b) of the Act, provides that "[t]he term 'willful', when used with reference to the commission or omission of any act, means the conscious and deliberate commission or omission of such act, irrespective of any intent to violate any provision of this Act" See *Southern California Broadcasting Co.*, 6 FCC Rcd 4387-88 (1991).

³ The term "repeated," when used with reference to the commission or omission of any act, "means the commission or omission of such act more than once or, if such commission or omission is continuous, for more than one day." 47 U.S.C. § 312(f)(2).

⁴ 47 C.F.R. § 1.80(b)(4).

⁵ 47 U.S.C. § 503(b)(2)(D).

⁶ 47 U.S.C. § 503(b).

⁷ 47 C.F.R. §§ 0.111, 0.311, 1.80.

9. Payment of the forfeiture may be made by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note the NAL/Acct. No. and FRN referenced above. Requests for payment of the full amount of this NAL under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.⁸

10. The response, if any, must be mailed to Federal Communications Commission, Office of the Secretary, 445 12th Street S.W., Washington, DC 20554, Attn: Enforcement Bureau-Technical & Public Safety Division and MUST INCLUDE THE NAL/Acct. No. referenced above.

11. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices (“GAAP”); or (3) some other reliable and objective documentation that accurately reflects the petitioner’s current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

12. Under the Small Business Paperwork Relief Act of 2002, Pub L. No. 107-198, 116 Stat. 729 (June 28, 2002), the FCC is engaged in a two-year tracking process regarding the size of entities involved in forfeitures. If you qualify as a small entity and if you wish to be treated as a small entity for tracking purposes, please so certify to us within thirty (30) days of this NAL, either in your response to the NAL or in a separate filing to be sent to the Technical & Public Safety Division. Your certification should indicate whether you, including your parent entity and its subsidiaries, meet one of the definitions set forth in the list provided by the FCC’s Office of Communications Business Opportunities (OCBO) set forth in Attachment A of this Notice of Apparent Liability. This information will be used for tracking purposes only. Your response or failure to respond to this question will have no effect on your rights and responsibilities pursuant to Section 503(b) of the Communications Act. If you have questions regarding any of the information contained in Attachment A, please contact OCBO at (202) 418-0990.

13. IT IS FURTHER ORDERED THAT a copy of this NAL shall be sent by regular mail and Certified Mail Return Receipt Requested to Tecnet, Inc., 236 East Capitol Street, Jackson, Mississippi, 39201.

FEDERAL COMMUNICATIONS COMMISSION

James C. Hawkins
District Director, New Orleans Office
Enforcement Bureau

⁸ See 47 C.F.R. § 1.1914.

Attachment